IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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Mahesh Dan Charan & Ors. Vs State of Rajasthan & ORS.

S.B. CIVIL WRIT PETITION NO.4336/2001 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 7.7.2006

PRESENT

HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr. Sanjay Mathur, for the petitioner.
Mr. Rameshwar Dave, Dy.GA, for the respondent-State.

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BY THE COURT: -

The present writ petition was filed by the petitioners with the prayer that respondents may be directed to make appointment on the post of Nurse Gr.II in pursuance of the advertisement Annex.4 only after determining merit of the students/aspirants by holding a written test or by giving due

preference to the incumbents who are having science background in their school education, coupled with the marks obtained by them in Secondary School Examination as well as in the Senior Secondary School Examination. It was also prayed that appointment should not be given to the persons who are having diploma in Nursing from private Nursing Schools of the State of Karnataka where admissions are given without determining the merit of the students.

The notice of the writ petition was issued on 9.1.2002, but no interim order was passed by this Court.

The respondents in their reply to the writ petition stated that pursuant to the advertisement in question, merit list was prepared and selected candidates were already appointed by order dated 10.1.2002. This writ petition has thus become infructuous. . According to the learned Dy.G.A. Shri Rameshwar Dave, last cut off marks in the category of general candidates (male) was 63.32% whereas in the category of OBC (male) was 63.60% and only such candidates who secured higher marks then these could secure appointment. According to him, candidates who passed their nursing course from outside State of Rajasthan are registered by the Rajasthan Nursing Council only on the basis of guidelines provided by the Indian Nursing Council and are considered eligible for appointment on the post of Nurse Grade-II by the respondents. Neither such candidates

who have been selected and given appointment have been impleaded as party respondents in the present writ petition nor even the Indian Nursing Council has been impleaded as party respondent. No relief against them therefore, can be claimed.

In view of the submissions made by learned Dy.G.A. Shri Rameshwar Dave, the present writ petition no longer survives in so far as prayer with regard to direction to the respondents to make appointment after determining the merit is concerned. However, rest of the prayers also cannot be allowed in absence of impleadment of necessary parties as discussed above.

Hence, the writ petition is dismissed.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-